

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Independent claims 1 and 11-13 have been amended clarify the features of the invention recited therein and to further distinguish the claimed invention from the references relied upon in the rejections discussed below. Dependent claims 2, 4 and 5 have been amended to remain consistent with amended independent claim 1.

### **II. 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 1 and 11-13 were rejected under 35 U.S.C. § 112, second paragraph being indefinite. Specifically, claims 1 and 11-13 were rejected for reciting a separate “first reception unit” and “purpose reception unit,” which, as asserted in the rejection, are described in the specification as being the same “thing.”

As a result, claims 1 and 11-13 have been amended to clarify that the “first reception unit” performs the receiving of the instruction of the purpose, as described in paragraph [0040] of the specification. Therefore, claims 1 and 11-13 now satisfy the requirements set forth by 35 U.S.C. § 112, second paragraph, and withdrawal of this rejection is respectfully requested.

### **III. 35 U.S.C. § 101 Rejection**

Claim 11 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, claim 11 was rejected for reciting a method that is not tied to a specific apparatus (e.g., hardware).

Claim 11 has been amended to clarify that the boundary correction is performed by a boundary correction unit that includes a processor. This amendment is supported by, at least, paragraph [0044] of the specification.

As a result, claim 11 now satisfies the requirements set forth in this rejection and withdrawal of this rejection is respectfully requested.

### **IV. 35 U.S.C. § 102 Rejection**

Claims 1, 2, 5, 7, 9 and 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Covell et al. (U.S. 6,782,186). This rejection is believed clearly inapplicable to amended independent claims 1 and 11-13 for the following reasons.

Amended independent claim 1 recites a processing device including a first reception unit for receiving, from a user, an instruction of a purpose, selected from reproduction and edit, of AV content including a program section and a commercial message (CM) section. Further, claim 1 recites that the processing device includes a boundary correction unit for, when the program section and the CM section are extracted from the AV content in accordance with the instruction of the purpose received from the user, selecting, in accordance with the received instruction of the purpose and without receiving, from the user, an instruction different from the instruction of the purpose, whether the boundary is shifted in one of a direction causing the CM

section to be short and a direction causing the CM section to be long, and correcting, without receiving an instruction from the user, a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift.

Initially, the Applicants note that above-mentioned rejection of claim 1 asserts that the feature, “receiving an instruction of a purpose,” as recited in [previously presented] claim 1 is equivalent to the feature of Covell, stating that “the user inputs whether they want to surf or zap commercial which is an editing operation of the AV content” (see Fig. 1 and col. 6, lines 7-60, as cited in the Office Action)

However, after reviewing Covell, specifically Fig. 1 and col. 6, lines 7-60, the Applicants submit that these portions of Covell merely disclose receiving a selection of a process from a user. Thus, in view of the above, it is clear that Covell merely teaches that the user selects a process, but fails to disclose or suggest receiving an instruction of a purpose of the AV content, as recited in claim 1. These differences between claim 1 and the Covell reference are discussed in more detail below.

As suggested above, Covell merely teaches receiving an instruction from a user, such that the received instruction is for selecting a process to be carried out. Specifically, Covell teaches that the user input is for (i) selecting an operating mode, (ii) inputting a program length, or (iii) correcting a boundary between a program section and a CM section (see Fig. 1; col. 6, lines 9-11, 22-24, 42 and 43; col. 16, lines 39-55; and col. 18, lines 5-31).

Thus, in view of the above, it is clear that Covell teaches the instruction received from the user is for selecting a process to be carried out (i.e., selecting an operating mode, a program length, and/or a boundary between a program and CM section), but fails to disclose or suggest receiving an instruction of a purpose of the AV content, as recited in claim 1.

Furthermore, because Covell merely teaches that the instruction received from the user is for selecting a process to be carried out, Covell also fails to disclose or suggest the when the program section and the CM section are extracted from the AV content in accordance with the instruction of the purpose received from the user, (i) selecting, in accordance with the received instruction of the purpose and without receiving, from the user, an instruction different from the instruction of the purpose, whether the boundary is shifted in one of a direction causing the CM section to be short and a direction causing the CM section to be long, and (ii) correcting, without receiving an instruction from the user, a content of the boundary information to cause the boundary to shift in accordance with the selected direction of the boundary shift, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-10 that depend therefrom are not anticipated by Covell.

Furthermore, there is no disclosure or suggestion in Covell or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Covell to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-10 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 11, 12 and 13 are directed to a method, a program, and a circuit, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 11-13 are allowable over Covell.

**V. 35 U.S.C. § 103 Rejections**

Claims 3, 4, 6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell. In addition, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas et al. (U.S. 2002/0080286).

Regarding dependent claims 3, 4, 6 and 8, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell, it is respectfully submitted that, since Covell does not disclose or suggest the above-discussed features of independent claim 1, Covell also does not disclose or suggest the features of dependent claims 3, 4, 6 and 8.

Regarding dependent claim 10, which was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas, it is respectfully submitted that Dagtas does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Covell reference. Therefore, no obvious combination of Covell and Dagtas would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-10 that depend therefrom.

## VI. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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